

**CITY OF MILPITAS  
APPROVED**

**PLANNING COMMISSION MINUTES**

**April 13, 2005**

**I.  
PLEDGE OF  
ALLEGIANCE**

**Vice Chair Garcia** called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

**II.  
ROLL CALL**

Present: Azevedo, Galang, Garcia, Mohsin and Williams  
Absent: Lalwani and Mandal  
Staff: Heyden, Lindsay, and Rodriguez

**III  
PUBLIC FORUM**

Vice Chair Garcia invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendaize the matter for a future meeting.

There were no speakers from the audience.

**IV.  
APPROVAL OF MINUTES  
March 23, 2005**

Vice Chair Garcia called for approval of the minutes of the Planning Commission meeting of March 23, 2005.

There were no changes from staff.

**Motion** to approve the minutes as submitted.

M/S: Williams/Azevedo

AYES: 4

NOES: 0

ABSTENTIONS: 1 (Mohsin) – Absent at the March 23<sup>rd</sup> meeting.

**V.  
ANNOUNCEMENTS**

Staff had no announcements.

Vice Chair Garcia reminded the Commission to attend the Commissioner's Recognition Event on Wednesday, April 20<sup>th</sup> at 7:00 p.m.

**VI.  
CONFLICT  
OF INTEREST**

Vice Chair Garcia asked if the Commission has any conflict of interest on tonight's agenda.

There were no Commissioners that identified a conflict of interest.

**VII.  
APPROVAL OF  
AGENDA**

Vice Chair Garcia called for approval of the agenda.

There were no changes from staff.

**Motion** to approve the agenda.

M/S: Galang/Williams

AYES: 5

NOES: 0

**VIII.**  
**CONSENT CALENDAR**  
**Consent Item Nos. 2, 4 and**  
**5**

Vice Chair Garcia asked whether staff, the Commission, or anyone in the audience wished to remove or add any items to the consent calendar.

Staff had no changes.

Vice Chair Garcia opened the public hearing on Consent Item No. 2.

There were no speakers from the audience.

**Motion** to close the public hearing on Consent Item No. 2.

M/S: Williams/Galang

AYES: 5

NOES: 0

**Motion** to approve the Consent Calendar on Consent Item Nos. 2, 4 and 5.

M/S: Williams/Azevedo

AYES: 5

NOES: 0

**\*2 MINOR TENTATIVE MAP NO. MI2004-3:** *Continued from the March 23, 2005 meeting.* A request to subdivide an existing parcel into two (2) parcels for purposes of creating a new parcel for future residential uses at the Milpitas Town Center, northeast area of Calaveras and Milpitas Boulevards.

**\*4 "S" ZONE APPROVAL AMENDMENT NO. SA2005-12:** A request to have an outdoor display and/or for-sale products at the front of Deep Emporium market, 98 Dempsey Road.

**\*5 "S" ZONE APPROVAL AMENDMENT NO. SA2005-24:** A request for an exception to exceed the required letter height for signage to accommodate trademark logo for Engenio located at 670 N. McCarthy Blvd.

**IX. PRESENTATION**

**Mayor Jose Esteves** presented certificates to the Commissioners for their service during the 2004 year and recognized them for their service to the community and their support to the Council.

## **X. NEW BUSINESS**

**Greg Armendariz, City Engineer and Doug Devries, Associate Civil Engineer,** presented the 2005 to 2010 Capital Improvement Program (CIP) and recommended the Commission find the 2005-2010 CIP in conformance with the General Plan and recommended the proposed Capital Improvement Program to City Council.

**Commissioner Williams** asked about the Abel/Calaveras right turn lane situation. He recalled that because of Carlo Street, many vehicles saw a sign that said no right turn on red light because of safety reasons and now that the sign is eliminated, he has observed people violating the rules by going through a red light without stopping. He is concerned that there is a potential of that type of situation occurring more often now and asked staff if there will be more vehicle incidences where people can make a right turn on Calaveras in a red light. Mr. Armendariz explained that it is a possibility, however the need for the project and all other safety considerations overrode the concern that was just described. The project was initiated by the previous traffic engineer and was reviewed again by the current traffic engineer. Staff felt that the project provides an enhancement to the City's traffic problem at the intersection and the safety concern of someone running a red light on the right turn movement is no different than what is happening at other intersections. He also noted that the police department is diligent in catching the people that run red lights.

Commissioner Williams noted that there is a condition that requires the posting of the sign that says no right turn on red light and asked if the condition would be in effect. Mr. Armendariz explained that the condition would not be in effect any longer because the intersection now provides an improved site distance that the intersection did not have prior. He explained that if a vehicle chooses to make a right turn on red they would be so far back that they would actually have to take that risk of jumping into that intersection without the benefit of creeping up to the intersection which is currently provided. Staff is currently closing up the intersection. In the northbound Abel movement, the stop bar has moved closer to the intersection so the site distance for eastbound Calaveras traffic is much improved.

Mr. Devries added that the traffic engineer takes a look at the speed of the traffic along Calaveras and then determines what the appropriate site distance is and checks to make sure that the site distance is there when allowing the right turn on red.

Commissioner Williams recapped that the citizens will have to be dependent upon the police being vigilant in that area in addressing the concerns about violators.

Mr. Armendariz added that staff did an additional analysis as part of the improvements and found that the improvements to the intersection make it much safer because of the better sight distance.

Commissioner Williams concluded that he understands where staff is coming from, however he is concerned about human behavior that don't necessarily follow what engineers plan and said it would be something that the City should be aware of.

Commissioner Williams asked about the sewage treatment equipment and asked if it would minimize the out gassing of odors near the residences off of I-880.

Mr. Devries explained that it is a sewage pump station rather than a treatment plant and staff is boosting the sewage to an elevation that can get the flow to San Jose/Santa Clara Water Pollution Control Plant so he concluded that there is no treatment going on there and it is fairly well enclosed so the odor should be minimal.

Commissioner Williams asked about the progression of the backbone fiber optic ring that is being designed to ensure should the cable be severed in a location, the City would be able to make sure that emergency and public services would be able to stay in communication and if an earthquake was to sever it, the City would still have that ability.

**Terry Medina, Deputy Director of Information Services**, highlighted the following accomplishments to the Commission.

- Staff added the temporary senior center, fire station 2, fleet maintenance, and utility buildings to the city's fiber optic network;
- Staff expanded the city's wireless network to cover over 8 square miles of the city;
- Staff installed a high speed wireless connection from the public works building to the Crowne Plaza to the McCarthy ranch storm drain pump station for the voice and data connection;
- Staff completed the agreement with SBC for the exchange of fiber optic conduit, which will provide 2 additional redundant paths of transmission.

Commissioner Williams asked where is staff with the GIS system. Terry Medina highlighted the following:

- Staff created maps for major projects including the midtown specific area, I-880/Dixon landing over crossing, the new library project, the new corporation yard, fire run maps and numerous maps for specialized purposes;
- Staff provided GIS capabilities for the new cad system to help support the dispatch center and public safety officers;
- Staff provided GIS billable services to the Contra Costa water district;
- Staff completed the update of the city's aerial photograph.

Commissioner Williams was very happy to see the quantity of things that was being worked on and commended staff for what has been completed.

**Commissioner Mohsin** asked if the no right turn sign on Abel street will remain and Mr. Armendariz replied No.

Commissioner Mohsin noted that she has taken park tours and has seen the improvements taking place. She pointed out that the draft plan states that park projects are zero percent and another page states six percent and asked staff to clarify.

Mr. Devries explained that the money for parks is coming out of RDA and also from other park grants.

Vice Chair Garcia noted that there was \$3 million in developer contributions in 2005-2006 and asked if staff will be expecting more. Mr. Armendariz indicated that staff anticipates more development funds in the out years. The objective of the CIP is to add the projects once funding is procured. Projects that have developer funding are shown in the first year. In out years, staff expects to have additional developers that will provide park dedication and traffic impact fees but it is difficult to project out.

Vice Chair Garcia asked if the \$3 million in funding actually exists. Mr. Armendariz said that those are funds that developers have been conditioned to provide.

Vice Chair Garcia asked about what was the result of the \$1 million overcrossing study over the Union Pacific tracks. Mr. Armendariz pointed out that the study looked at alternative alignments to provide a pedestrian overcrossing from Yosemite over to the Great Mall. Working with the property owners, staff found that the alignment was not acceptable and the second alignment was moved further south. Staff found that moving the overcrossing further south would be almost in close proximity to Montague Expressway so the study found that staff was not going to achieve the goal midway between Montague on the south and Calaveras on the north. Staff also pointed out that the cost was far more than anyone anticipated and it was still going to be the same height as a bridge, and the length of the span to the railroad tracks put the cost estimate to \$6 to \$9 million. Staff also looked at other projects to better use the grant funds available. VTA agreed with staff that the cost benefit wasn't there so the funds were allocated to the Coyote Creek trail.

Vice Chair Garcia noted that on page 150, there is a project that has to do with the pavement and drainage along Singley drive and phase 4 was put on hold due to lack of funding and asked what is not going to be done. Mr. Devries explained that Hamilton Avenue was part of phase 4. The project was originally funded from RDA but the State's ERAF shift drew away \$3 million from the fund. Mr. Armendariz pointed out that staff took the highest priority streets that needed work done in phase 1, 2 and 3 based on the number from the total complaints of the residences.

Vice Chair Garcia noted that the library funding is 2006/2007 and the senior center is not funded until 2009-2010. He asked why is there such a large gap. Mr. Armendariz explained that the library project would be completing design in a year so construction is expected in 2006/2007 and staff expects the senior center to occupy in 2009/2010.

Vice Chair Garcia asked if the \$6 million that the City purchased in sewer capacity would solve the problem. Mr. Armendariz responded that based upon Council's direction, the City is programming the capacity that will be purchased. He explained that the West Valley Sanitation District who pumps their sewage in the San Jose/Santa Clara water pollution control plant has excess capacity that is available to Milpitas and staff is in discussions to purchase 1 million gallons per day for \$6.7 million. The City currently has 12 million gallons per day at current capacity so that would bring the City up to 13 million gallons a day. He pointed out that KB homes are contributing to the cost of purchasing the additional capacity and to the improvements to the current pump station.

Mr. Lindsay added that the capacity purchase is not enough to cover the land uses being considered in Transit Area Concept Plan. Phase 2 of that Transit Area Plan study will analyze the capacity limits in more detail.

Vice Chair Garcia noted on page 103, other sources funding is \$8.7 million and asked staff to clarify. Mr. Devries noted that those amounts is for the new sewage treatment capacity and the sewage treatment plant facilities.

Commissioner Galang recalled that last year, he spoke about complaints of the large basketball gym at the Sports Center that there was not enough ventilation and suggested windows be installed. He asked if this has happened. Mr. Armendariz explained that there will be large gym improvements and staff will provide ventilation and a/c of the gym, replacement of the floor and structural improvements to the gym so that it could be used as an emergency shelter in case of an earthquake. He also pointed out that the State has taken three million dollars away per year from redevelopment funds, the City has lost \$12 million in RDA funds over the past four years so staff has been looking at alternate funding sources, such as the FEMA grant.

Vice Chair Garcia suggested that for the residents, staff might want to create a map that shows where all the CIP project are taking place. He felt this is important so that the residents know that the City is working on important projects for them.

**Motion** to find the Draft 2005-2010 Capital improvement program in conformance with the General Plan and recommend the draft 2005-2010 CIP to City Council.

M/S: Williams/Azevedo

AYES: 5

NOES: 0

**James Lindsay, Acting Planning Manager**, announced that this meeting would be his last meeting of the Planning Commission, his last day of work will be April 22<sup>nd</sup>.

## **XI. ADJOURNMENT**

The meeting was adjourned at 8:02 p.m. to the next regular meeting of April 27, 2005.

Respectfully Submitted,

James Lindsay  
Acting Planning Manager

Veronica Rodriguez  
Recording Secretary